

HB3376



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3376

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-128
40 ILCS 5/4-121

from Ch. 108 1/2, par. 3-128
from Ch. 108 1/2, par. 4-121

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Adds 2 additional members to the board of trustees of each pension fund, to be appointed within 60 days by the mayor or president of the board of trustees of the municipality or other employing entity. Effective immediately.

LRB098 07092 EFG 37153 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 3-128 and 4-121 as follows:

6 (40 ILCS 5/3-128) (from Ch. 108 1/2, par. 3-128)

7 Sec. 3-128. Board created. A board of 7 members ~~5 members~~
8 shall constitute a board of trustees to administer the pension
9 fund and to designate the beneficiaries thereof. The board
10 shall be known as the "Board of Trustees of the Police Pension
11 Fund" of the municipality.

12 Four ~~Two~~ members of the board shall be appointed by the
13 mayor or president of the board of trustees of the municipality
14 involved. Two ~~The 3rd and 4th~~ members of the board shall be
15 elected from the active participants of the pension fund by
16 such active participants. One ~~The 5th~~ member shall be elected
17 by and from the beneficiaries.

18 For a municipality coming under this Article after the
19 effective date of this amendatory Act of the 98th General
20 Assembly, 2 ~~One~~ of the members appointed by the mayor or
21 president of the board of trustees shall serve for one year
22 beginning on the second ~~2nd~~ Tuesday in May after the
23 municipality comes under this Article, and 2 ~~. The other~~

1 ~~appointed member~~ shall serve for 2 years beginning on the same
2 date. For a municipality under this Article on the effective
3 date of this amendatory Act of the 98th General Assembly, the
4 appointing authority shall designate one of the new members
5 appointed under this amendatory Act to serve an initial term
6 ending on the second Tuesday in May next following the date of
7 appointment, and one of the new members to serve an initial
8 term ending on the second Tuesday in May of the following year.
9 Both of these initial appointments shall be made within 60 days
10 after the effective date of this amendatory Act.

11 Successors of initial appointees ~~Their successors~~ shall
12 serve for 2 years each or until their successors are appointed
13 and qualified.

14 The election for board members shall be held biennially on
15 the 3rd Monday in April, at such place or places in the
16 municipality and under the Australian ballot system and such
17 other regulations as shall be prescribed by the appointed
18 members of the board.

19 The active pension fund participants shall be entitled to
20 vote only for the active participant members of the board. All
21 beneficiaries of legal age may vote only for the member chosen
22 from among the beneficiaries. No person shall be entitled to
23 cast more than one ballot at such election. The term of elected
24 members shall be 2 years, beginning on the 2nd Tuesday of the
25 first May after the election.

26 Upon the death, resignation or inability to act of any

1 elected board member, his or her successor shall be elected for
2 the unexpired term at a special election, to be called by the
3 board and conducted in the same manner as the regular biennial
4 election.

5 Members of the board shall neither receive nor have any
6 right to receive any salary from the pension fund for services
7 performed as trustees in that office.

8 (Source: P.A. 83-1440.)

9 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

10 Sec. 4-121. Board created. There is created in each
11 municipality or fire protection district a board of trustees to
12 be known as the "Board of Trustees of the Firefighters' Pension
13 Fund".

14 Except as otherwise provided in this Section, the ~~The~~
15 membership of the board for each municipality shall be,
16 respectively, as follows: in cities, the treasurer, clerk,
17 marshal, or chief officer of the fire department, and the
18 comptroller if there is one, or if not, the mayor; in each
19 township, village or incorporated town, the president of the
20 municipality's board of trustees, the village or town clerk,
21 village or town attorney, village or town treasurer, and the
22 chief officer of the fire department; and in each fire
23 protection district, the president and other 2 members of its
24 board of trustees and the marshal or chief of its fire
25 department or service, as the case may be; and in all the

1 municipalities above designated 3 additional persons chosen
2 from their active firefighters and one other person who has
3 retired under the "Firemen's Pension Fund Act of 1919", or this
4 Article. Notwithstanding any provision of this Section to the
5 contrary, the term of office of each member of a board
6 established on or before the 3rd Monday in April, 2006 shall
7 terminate on the 3rd Monday in April, 2006, but all incumbent
8 members shall continue to exercise all of the powers and be
9 subject to all of the duties of a member of the board until all
10 the new members of the board take office.

11 Beginning on the 3rd Monday in April, 2006, and except as
12 otherwise provided in this Section, the board for each
13 municipality or fire protection district shall consist of 5
14 members. Two members of the board shall be appointed by the
15 mayor or president of the board of trustees of the municipality
16 or fire protection district involved. Two members of the board
17 shall be active participants of the pension fund who are
18 elected from the active participants of the fund. One member of
19 the board shall be a person who is retired under the Firemen's
20 Pension Fund Act of 1919 or this Article who is elected from
21 persons retired under the Firemen's Pension Fund Act of 1919 or
22 this Article.

23 Beginning on the effective date of this amendatory Act of
24 the 98th General Assembly, the board for each municipality or
25 fire protection district shall consist of 7 members. The 2
26 additional members of the board added by this amendatory Act

1 shall be appointed by the mayor or president of the board of
2 trustees of the municipality or fire protection district within
3 60 days after the effective date of this amendatory Act.

4 For the purposes of this Section, a firefighter receiving a
5 disability pension shall be considered a retired firefighter.
6 In the event that there are no retired firefighters under the
7 Fund or if none is willing to serve on the board, then an
8 additional active firefighter shall be elected to the board in
9 lieu of the retired firefighter that would otherwise be
10 elected.

11 If the regularly constituted fire department of a
12 municipality is dissolved and Section 4-106.1 is not
13 applicable, the board shall continue to exist and administer
14 the Fund so long as there continues to be any annuitant or
15 deferred pensioner in the Fund. In such cases, elections shall
16 continue to be held as specified in this Section, except that:
17 (1) deferred pensioners shall be deemed to be active members
18 for the purposes of such elections; (2) any otherwise
19 unfillable positions on the board, including ex officio
20 positions, shall be filled by election from the remaining
21 firefighters and deferred pensioners of the Fund, to the extent
22 possible; and (3) if the membership of the board falls below 3
23 persons, the Illinois Director of Insurance or his designee
24 shall be deemed a member of the board, ex officio.

25 The members chosen from the active and retired firefighters
26 shall be elected by ballot at elections to be held on the 3rd

1 Monday in April of the applicable years under the Australian
2 ballot system, at such place or places, in the municipality,
3 and under such regulations as shall be prescribed by the board.

4 No person shall cast more than one vote for each candidate
5 for whom he or she is eligible to vote. In the elections for
6 board members to be chosen from the active firefighters, all
7 active firefighters and no others may vote. In the elections
8 for board members to be chosen from retired firefighters, the
9 retired firefighters and no others may vote.

10 Each member of the board so elected shall hold office for a
11 term of 3 years and until his or her successor has been duly
12 elected and qualified.

13 The board shall canvass the ballots and declare which
14 persons have been elected and for what term or terms
15 respectively. In case of a tie vote between 2 or more
16 candidates, the board shall determine by lot which candidate or
17 candidates have been elected and for what term or terms
18 respectively. In the event of the failure, resignation, or
19 inability to act of any board member, a successor shall be
20 elected for the unexpired term at a special election called by
21 the board and conducted in the same manner as a regular
22 election.

23 The board shall elect annually from its members a president
24 and secretary.

25 Board members shall not receive or have any right to
26 receive any salary from a pension fund for services performed

1 as board members.

2 (Source: P.A. 96-1000, eff. 7-2-10.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.